



Code Words

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Douglas M. Duncan, County Executive

Charles W. Thompson, Jr., County Attorney

OFFICE OF THE COUNTY ATTORNEY

The Office of the County Attorney is the legal arm of the Montgomery County government. The County Attorney's staff exclusively advises and represents County agencies, including the Council. The Office of the County Attorney also serves the citizens of Montgomery County directly. Although staff cannot offer legal advice to individuals, we can offer guidance on the application of Montgomery County law, including code enforcement matters, and can help to direct those with questions to appropriate agencies. We can be reached at (240) 777-6700.

CODE ENFORCEMENT UNIT

The Code Enforcement Unit serves the community by helping to fairly and reasonably enforce our County Code and helping to solve the problems leading to citations. If you have a question regarding County Code enforcement or about a specific Code enforcement case, please contact either Christopher Goodwin, Assistant County Attorney, at (240) 777-6728 or christopher.goodwin@montgomerycountymd.gov, or Brian Riley, Assistant County Attorney, at (240) 777-6749 or brian.riley@montgomerycountymd.gov. If you are interested in scheduling a speaker for or meeting with your community group, please contact Richard Melnick, Principal Counsel for the Code Enforcement Unit, at (240) 777-6738 or richard.melnick@montgomerycountymd.gov.

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Home Occupations

Edward J. Calloway

Department of Permitting Services

With the growing commuter traffic problems, many people are looking at the option of working from home. The Montgomery County Zoning Ordinance addresses home occupations permitted in Montgomery County's residential zones – no impact home occupations, registered home occupations, and home health practitioner offices. The following provisions apply to all types of home occupations:

- Operator must reside in the home for at least 220 days during each calendar year;
- Must maintain a log of all business visits made to the home; log must be available to the Department of Permitting Services upon request;
- Amount of floor area used for the home occupation must not exceed 33% of the total floor area;
- No equipment or process that creates a nuisance (noise, vibration, glare, fumes, odors, or electrical or electronic interference) may be detectable at or beyond the lot line of a detached dwelling; and
- No truck deliveries permitted, except parcels delivered by public or private parcel services.

No Impact Home Occupations – These home occupations have no discernible impact on the surrounding neighborhood and are accessory to the residential use of the property:

- Conducted by a member or members of the family residing in the dwelling unit; no non-resident employees permitted;
- Maximum of five visits per week, including deliveries, allowed in connection with the home occupation. A

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“visit” is defined as one automobile transporting one or more clients or customers; and


- Sale of goods on the premises is not allowed and any equipment used must be domestic or household equipment or office equipment (typewriter, word processor, calculator, computer, etc.).

Registered Home Occupations – The business operator must submit an application to the Department of Permitting Services:

- Maximum of two registered home occupations allowed in one dwelling unit;
- Must be conducted by a member or members of the family residing in the dwelling unit;
- May have one nonresident employee or business associate; and
- Maximum of 20 visits per week and no more than five per day, excluding deliveries (see “visit” definition above).

Home Health Practitioner – A health practitioner is defined as a person licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and having an advanced degree in the field from an accredited educational institution. This definition excludes an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian. The operator must submit an application to the Department of Permitting Services:

- A use and occupancy permit is required, except if lawfully in operation prior to February 5, 1990;
- No more than two resident health practitioners allowed; nonresident health practitioner not allowed, but nonresident staff allowed;
- May treat more than one patient at a time, provided this does not result in more than five vehicle trips with not more than 10 patients arriving or departing at the same appointment time;
- Indoor waiting room required; and
- Sale of goods on the premises prohibited, except for medication prescribed by the practitioner or a prescribed remedial device that cannot be obtained from a commercial source.

In addition to these requirements, the Zoning Ordinance addresses off-street parking and the use of accessory buildings for home occupations. If you are interested in starting a home based business, please contact a Permitting Services Specialist, (240) 777-6240, for more information. 

Division of Solid Waste Services

-- An Introduction

Keith A. Crutchfield

Division of Solid Waste Services, DPWT

The Division of Solid Waste Services, part of the Department of Public Works and Transportation, enforces all of Montgomery County’s laws and regulations concerning solid waste and recycling for businesses, organizations, multi-family properties, and single-family residences. The majority of the enforcement work involves licensing and registration of collectors and haulers, storage and removal, and general regulations for collectors.

To be licensed and registered, a collector or hauler must maintain an office within the metropolitan area and maintain a toll-free telephone number for the transaction of business. A collector must also provide a performance bond in the form of a cash bond or through a surety company. All solid waste vehicles must be inspected prior to registration. The inspections are held at the Transfer Station on Tuesdays, from 12:30 p.m. to 4:30 p.m., and Thursdays, from 8:30 a.m. to 12:30 p.m. The vehicle must have a tight fitting metal or canvas cover that prevents solid waste from blowing out of the vehicle during transit. The cover shall be in place at all times, except when loading and unloading the vehicle.

When the inspection requirements are met and the owner pays the license and permit fees, the collector or hauler will receive a registration card and a metal solid waste tag displaying a solid waste tag number and the month and year through which the tag is valid. This tag must be attached to the vehicle -- and visible -- when the vehicle is collecting or transporting solid waste in the County.

This Division spends a great deal of effort enforcing the County’s early morning collection regulations. In Montgomery County, no solid waste collection may occur before 7:00 a.m. (9:00 a.m. on Federal holidays and Sundays) or after 9:00 p.m. on any weekday (Monday through Sunday) within 500 feet of any residential structures. Collection may be made at any

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IMPORTANT PHONE NOS.

Animal Services	(240) 773 – 5925
Abandoned Cars	(301) 840 – 2454
Building Permits	(240) 777 – 6210
Building Code Inspections	(240) 777 – 6210
Consumer Affairs	(240) 777 – 3636
County Information	(240) 777 – 1000
County Attorney’s Office	(240) 777 – 6700
Electrical Licenses & Permits	(240) 777 – 6210
Environmental Protection	(240) 777 – 7770
Fire-Code Violations	(240) 777 – 2457
Housing & Code Enforcement	(240) 777 – 3600
Untagged Cars	(240) 777 – 3785
Noise Control	(240) 777 – 7770
Recycling/Leaf Collection	(240) 777 – 6410
Snow Removal & Pot Holes	(240) 777 – ROAD
Solid Waste	(240) 777 – 6410
Street Lights	(240) 777 – 2190
Use & Occupancy Permits	(240) 777 – 6370
Vendor Information	(240) 777 – 6256
Water Quality Control	(240) 777 – 7770
Weed Control	(240) 777 – 3785
Zoning Information	(240) 777 – 6240
Zoning Complaints	(240) 777 – 6259

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To be placed on our mailing list or to submit questions or comments, please contact us at the above address or codeword@co.mo.md.us. Please include your name, address, and phone number or e-mail address. *Code Words* is published quarterly.

In response to your request for review...

Commercial Vehicle Parking – A Zone Issue

By Susan Scala-Demby

Department of Permitting Services

The Montgomery County Zoning Ordinance regulates commercial vehicle parking on residential property in connection with uses permitted in the zone. The Department of Permitting Services enforces commercial vehicle parking provisions on residential property. The Police Department, under a different provision of the Montgomery County Code, regulates commercial vehicles parked on streets.

In the Zoning Ordinance, a commercial vehicle is defined as a licensed and registered vehicle used to transport passengers or property for a business. The Zoning Ordinance provides certain vehicle characteristics to help determine if a vehicle can be considered commercial. These characteristics include the weight and type of Motor Vehicle Administration (MVA) registration. Recreational vehicles, farm machinery, and farm vehicles used for agricultural purposes are not commercial vehicles. However, the following vehicles are always considered commercial vehicles (as classified by the Maryland MVA):

- A “for hire” vehicle
- A funeral motor vehicle or ambulance
- A freight trailer or semi-trailer

The number and type of vehicles that can be parked on a property is determined by the property zoning classification. In zones comprised of less than one acre lots, only one vehicle can be parked on the property and that vehicle must be:

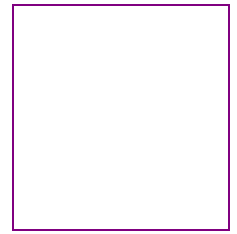
- (1) 10,000 pounds or less gross vehicle weight,
- (2) 19 feet or less in length measured from the extremes of the vehicle or load, or
- (3) 8 feet or less in height including racks needed for materials.

In one and two acre lot zones and in rural zones, up to three vehicles can be parked on the property with no size

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ADDRESS CORRECTION REQUESTED

Division of Solid Waste Services

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time from commercial, industrial, or other nonresidential use structures, provided that there are no residential structures within 500 feet of the collection point.

These are just some of the code enforcement issues that the Division of Solid Waste inspectors deal with on a daily basis. The Division encounters a variety of violations and cases and assists other County agencies with enforcing the County's solid waste laws. If you have any questions, you may call the Division at (240) 777-6410. 

Commercial Vehicle Parking

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or weight restrictions. Small tow trucks may be allowed, but cannot have a car in tow. One recreational vehicle can be parked on lots in the smaller zones and two can be parked in one acre and larger zones. A small van used in a business can be parked on a residential property, but a tractor-trailer cannot.

If the commercial vehicle is parked on the residential street, the zoning ordinance does not apply. The Police Department enforces regulations regarding on-street parking.

If you have questions about this subject, please contact the Department of Permitting Services at (240) 777-6240. 